

LAWS OF ARIZONA—1867.

ADOPTED BY THE FOURTH LEGISLATIVE ASSEMBLY.

AN ACT

Amendatory of an Act entitled "An Act Concerning Escheated Estates," approved October 27th, 1866.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section five of an Act entitled "An Act Concerning Escheated Estates," approved October twenty-seventh 1866 be and the same is hereby amended so as to read as follows:

Section 5. All monies which shall accrue to the Territory by the sale of personal or real property of an escheated estate or from the rents or profits of lands or tenements held as escheated shall be paid into the Common School Fund of this Territory, to be used only as the Common School Fund is now or shall hereafter be authorized to be used by law.

Sec. 2. This act shall take effect and be in force from and after its passage.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 3, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my office.

JAMES P. T. CARTER,
Secretary of the Territory.

AN ACT

Creating the Office of Public Administrator, and Providing for the Government of the Same.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. There shall be elected in each organized county of this Territory, at the next general election in 1868, a Public Administrator, who shall be ex-officio Coroner in and for his county. Each Public Administrator, hereafter elected, shall take the Constitutional official oath, and give such official bond as shall be in amount required and fixed, by order of the Board of Supervisors of the county, to be conditioned, secured, approved, filed and recorded as the bonds of other county officers are, and shall be so conditioned, as to hold the principal and securities liable for any breach thereof, made while acting or illegally refusing to act. In either case, the official oath shall be for the faithful performance of the duties of both offices.

Sec. 2. The official bond of no Public Administrator, shall be less than five thousand dollars, and the Board of Supervisors may, upon good cause shown, require at any time, a new bond, or an additional bond to be given on ten days notice in writing, and if not so given, shall thereupon declare the office vacant, and shall fill the vacancy, by appointment for the remainder of the term, and shall fill a vacancy in like manner if arising from any other cause. Every person elected to the office of Public Administrator, shall qualify within ten days after he shall have been declared elected. Any person appointed to the said office shall qualify in like manner.

Sec. 3. The Public Administrator of each county shall have the right, and it is hereby made his duty, to administer according to law upon the estates of any person who died intestate or was at the time of his or her death a resident of the county or had assets therein not administered, or in some other county, or of a deceased stranger, or of a deceased testator, when no executor is appointed, or if appointed fails to qualify. Unless administered upon within one month after death of testator, or within the time provided by law for an intestate, by a relative, by blood or marriage within the fourth degree of consanguinity or legal relation, or by the creditors as is now provided by law.

Sec. 4. Each Public Administrator shall in the month of December and June, in each year, make a verified written report to the Probate Judge, having jurisdiction in the premises of all estates of deceased persons which have officially passed into his hands, the value of the same, the expenses if any, paid thereon and the balance of property, effects or moneys if any, remaining in his hands, and the Judge to whom such report is made shall cause it to be made public, by publication or by posting as he may deem just and right.

Sec. 5. Each executor, administrator and Public Administrator on final settlement of an estate and proper order of the Court having jurisdiction in the matter thereof, or before final settlement upon the regular order of the Court aforesaid, shall pay over all monies of each estate to the lawful heirs or legatees or devisees thereof, and if there be none of either, then to the Territorial Treasurer, and if the same be escheated to the Territory, then the Territorial Treasurer shall place the same to a separate fund, to be devoted and pledged to educational purposes.

Sec. 6. No Public Administrator, shall be interested in any wise, in any expenditures of any kind, made on account of any estate of a deceased person, upon which he is administering, or necessarily made in the due course of such administration, and he shall state in his semi-annual reports by affidavit, that he had not been so interested.

Sec. 7. It shall be the duty of all persons, especially of all civil officers, to give all information in their possession to the Public Administrator, respecting estates and their property and condition thereof. Public Administrators may, and it is hereby made their official duty, to institute maintain and prosecute all necessary proceedings or actions at law or in equity, for the recovery and for the protection of the property, debts, papers, or other estate of any deceased person, upon whose estate they may be administering.

Sec. 8. Public Administrators when acting as ex-officio Coroners, shall be governed by the same laws, by which Justices of the Peace have been, when so acting, and shall receive the same fees allowed heretofore for such services.

Sec. 9. The fees of Public Administrators shall be five per cent, upon the amount of the estate administered by them, which per cent shall be the only compensation allowed for their services.

Sec. 10. Public Administrators are authorized to administer upon the estates of deceased persons in case where by law he is entitled to administration by virtue of his office, and shall not be required to make formal application for letters of administration, nor shall he be required to file any bond, except as a Public Administrator, provided, that the same be provided for in section two, of this act.

Sec. 11. Any money paid into the Territorial Treasury under the provisions of this Act, coming from an escheated estate, may be expended by the rightful heirs or legatees thereof, in the following manner, such heirs, legatees or legatees, may present their claim to the Probate Judge, who shall cause due examination to be made, and if found valid and correct, he shall

tate to which such money belonged and make proof of the validity of such claim, after notice given to the Attorney General of the Territory to the satisfaction of such Court. If satisfied on the hearing, that such claimant or claimants, are rightfully entitled to the same, the Court shall enter a decree that such money be paid to him or them, such decree shall be certified to by the Territorial Auditor, stating the amount found to be due, and the said Auditor shall allow the same, and certify it to the Territorial Treasurer who shall pay the same, provided, no action shall be maintained under the provisions of this Act, unless commenced within three years next after the final settlement of the estate to which they relate, and provided further, that all costs of such proceedings shall be paid by the applicant or applicants. If not applied for within three years as above provided, or applied for and not obtained, such money shall then be placed in the educational fund as provided for in section five of this Act.

Sec. 12. All Acts and parts of Acts, so far only as they conflict with the provisions of this Act, are hereby repealed.

Sec. 13. This Act shall take effect and be in force, on and after its passage.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 3, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my office.

JAMES P. T. CARTER,
Secretary of the Territory.

AN ACT

Amendatory of Chapter Twenty-nine, Howell Code, "Of Probate Courts."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section fifty-two of said Chapter twenty-nine be and the same is hereby amended so as to read as follows:

Section 52. Administration of the estate of a person dying intestate, shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order:

First: To the surviving husband or wife or such person as he or she may request to have appointed. Second: The children. Third: The father or mother. Fourth: The brothers. Fifth: The sisters. Sixth: The grandchildren. Seventh: Any others of the next of kin who would be entitled to share in the distribution of the estate. Eighth: Creditors. Ninth: Any person legally competent; Provided That where there was any partnership existing between the intestate at the time of his death and any other person the surviving partner shall in no case be appointed administrator of the estate of such intestate.

Sec. 2. This Act shall take effect and be in force from and after its passage.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 3, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my office.

JAMES P. T. CARTER,
Secretary of the Territory.

AN ACT

Defining the time for the qualification of Officers elected at any general election in the counties of the Territory, and repealing the acts of the Officers holding over in the counties of Yavapai, Yuma, and Mohave, since the first day of July, and until the first day of December next.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the several county officers, for the counties of Yavapai, Yuma, and Mohave, elected at the general election for the year 1867, may qualify at any time, on or before the first day of December next, and that they shall respectively take office, on said first day of December, anything to the contrary, notwithstanding, and with the same force and effect as if they had respectively qualified and entered upon the duties of their respective offices, on the first day of July after said general election.

Sec. 2. And be it further enacted, that the old officers of said counties now holding over, shall continue to hold, and to exercise, their respective offices, until the said first day of December next, and all official acts heretofore performed by them or either of them or hereafter to be performed by them, or either of them, until the first day of December next, shall be and are hereby declared to be valid and effectual to all intents and purposes.

Sec. 3. And be it further enacted, that the term of office of all county officers, hereafter to be elected, for a full term, at any general election, shall commence, on the first day of December next, after such general elections, and persons elected may qualify by filing the oaths and bonds, required by law, at any time before the time of the commencement of the term.

Sec. 4. That all Acts or parts of Acts contrary to the provisions of this Act be and the same are hereby repealed, and this Act shall take effect on and after its passage.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 3, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my office.

JAMES P. T. CARTER,
Secretary of the Territory.

AN ACT

Authorizing the construction of wells on desert roads and exempting the same from taxation by the Territory.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That any person may dig, or bore wells on any unoccupied lands within a distance of not less than ten miles from living water, and not more than one half mile, distant from any desert road within the Territory, for the accommodation of travellers thereon and such well or wells, and all tenements and appurtenances connected therewith, of no greater value than three thousand dollars, shall, for a period of two years, from and after the completion of said well or wells, be exempt from taxes by the Territory, except for taxes and license for tavern keeping, and the sale of distilled liquors. Provided, that well or wells, shall be not less than one hundred feet in depth, and kept in a suitable condition to furnish sufficient water for the accommodation of those who may travel on said road.

Sec. 2. Persons who would avail themselves of the provisions of this Act, shall, on the completion of said well or wells, give notice of the same to the clerk of the Board of Supervisors, or to the county Recorder, and the county in which said well or wells shall be situated, and the Board of Supervisors, or the county Recorder, shall cause due examination to be made, and if found valid and correct, he shall

said well or wells, and if they shall be satisfied that the requirements of the first section of this Act shall have been complied with, they shall notify the proper officers that no Territorial taxes, other than those excepted in section first, shall be assessed or collected thereon, for the period of two years from the date and service of such notice.

Sec. 3. This Act shall take effect and be in force from and after the first day of January next.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 3, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my office.

JAMES P. T. CARTER,
Secretary of the Territory.

AN ACT

Amendatory of Chapter Forty-eight, Howell Code, "Of Proceedings in Civil Cases."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section four hundred and twenty of Chapter forty-eight, Howell Code, is hereby amended so as to read as follows:

Sec. 420. A party to an action or special proceeding in any and all courts, and before any and all tribunals, and before any and all officers acting judicially, may be examined as a witness on his own behalf or in behalf of any other party in the same manner and subject to the same rules of examination as any other witness. Provided, however, that the assignor of a thing in action, shall not be a party to an action be examined in his own behalf in respect to any transaction, or communication had personally with said assignor, or said party respectively who are the executors, administrators, devisees, heirs at law, next of kin, or assignees of title to the cause of action immediately from said deceased person, or have been sued as such by the executors, administrators, devisees, heirs at law, next of kin, or assignees. But when such executors, administrators, devisees, heirs at law, next of kin, or assignees shall be examined on their own behalf in regard to any conversation or transaction had between the deceased person and assignor, or said party respectively, then the said assignor or the said party may be examined in regard to such conversation or transaction, but not in regard to any new matter. But if the testimony of a party to the action or proceedings has been taken, and he shall afterwards die, and after his death the testimony so taken, shall be used upon any trial, or hearing, in the behalf of his executors, administrators, devisees, heirs at law, next of kin, or assignees, the other party or the assignor of a thing in action, shall be a competent witness, as to any and all matters to which the testimony so taken relates notwithstanding anything in this section contained to the contrary thereof.

Sec. 2. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 3. This Act shall take effect and be in force from and after its passage.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 4, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my office.

JAMES P. T. CARTER,
Secretary of the Territory.

AN ACT

Amendatory of Chapter Forty, Howell Code, "Of Notaries Public."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That section one of said Chapter forty be and the same is hereby amended so as to read as follows:

Sec. 1. The Governor may appoint one or more Notaries Public in each county who shall hold their offices for four years respectively unless sooner removed by the Governor. Whenever the Governor shall appoint a Notary Public the Secretary of the Territory shall transmit the commission of the person so appointed to the county Recorder of the county for which such Notary was appointed; and the county Recorder on receiving such commission shall give notice thereof to the person so appointed.

Sec. 2. Section two of said Chapter is hereby amended so as to read as follows:

Sec. 2. The person so appointed before entering upon the duties of his office and within twenty days after receiving notice of his appointment shall appear before some officer authorized by law to administer oaths and take and subscribe the oath prescribed by law and shall transmit the same to said Recorder who shall file the same in his office.

Sec. 3. Section three of said chapter is hereby amended so as to read as follows:

Sec. 3. Each Notary Public shall also before entering upon the duties of his office and within the time limited for filing his official oath give a bond to this Territory with one or more sureties, to be approved by said Recorder, in the penal sum of one thousand dollars, conditioned that such Notary shall duly and faithfully discharge the duties of his office and shall file the same with said Recorder.

Sec. 4. Section four of said Chapter is hereby amended so as to read as follows:

Sec. 4. Upon filing the official oath and bond as required by the two next preceding sections, the Recorder shall deliver to the person so appointed, the commission received by him for such person; and shall thereupon give notice to the Secretary of the Territory of the filing of such oath and bond and of the time of filing the same.

Sec. 5. Section seven of said Chapter is hereby amended so as to read as follows:

Sec. 7. Whenever the office of any Notary Public shall become vacant the records of such Notary and all the papers relating to his office shall be deposited in the office of the county recorder of the proper county; and any Notary who on his resignation or removal from office shall neglect for the space of three months to deposit such records and papers, and any executor or administrator of any deceased Notary Public who shall neglect for the space of three months after his appointment, to deposit with said recorder all such records and papers as shall come to his hands, shall forfeit and pay a sum not less than fifty dollars nor more than five hundred dollars.

Sec. 6. Section nine of said Chapter is hereby amended so as to read as follows:

Sec. 9. The County Recorder of each county shall receive and safely keep all records and papers of Notaries Public directed to be deposited in his office; and shall give certified copies of such papers and records when required and for such copies he shall receive the same fees as are by law allowed to Notaries Public, and such copies so given by said Recorder shall be as valid and effectual as if

given by a Notary Public.

Sec. 7. That the Act, entitled an Act amendatory of Chapter forty of the Howell Code entitled of Notaries Public approved December 20th 1865 be and the same is hereby repealed.

Sec. 8. That all Acts and parts of Acts so far as they conflict with the provisions of this Act are hereby repealed.

Sec. 9. That this Act take effect and be in force from and after its passage.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 3, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my office.

JAMES P. T. CARTER,
Secretary of the Territory.

AN ACT

Amendatory of an Act entitled "An Act authorizing the Board of Supervisors of Yavapai county to levy a special tax for the purpose of raising funds to purchase the necessary grounds and to erect thereon a jail."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Said Act is hereby amended so as to read as follows:

Sec. 1. That the Board of Supervisors of Yavapai county be and they are hereby authorized and empowered to levy and cause to be collected annually a special tax, the revenue derived from which, is to be used by said Board of Supervisors for the purpose of purchasing the necessary grounds in the town of Prescott in said county and erecting thereon a Court House and Jail.

Sec. 2. For the purposes named in the preceding section, said Board of Supervisors are hereby authorized and empowered to levy and cause to be collected an annual ad valorem tax, not exceeding fifty cents upon each one hundred dollars value of the taxable property in said county of Yavapai.

Sec. 3. For the purposes aforesaid each male inhabitant of said county, over the age of twenty-one and under sixty years, and not by law exempt from the payment of Poll tax shall pay an annual Poll tax of one dollar.

Sec. 4. The tax herein authorized to be levied and collected shall be levied and collected in all respects, and the money arising therefrom paid into the county Treasury, in accordance with the provisions of Chapter Thirty-three Howell Code, entitled "Of Finance and Taxation." Provided that county warrants or other evidences of county indebtedness shall not be received or paid into the Treasury in payment of said special tax.

Sec. 5. The monies arising from the tax herein authorized shall be set apart and kept by the county Treasurer as a special fund for the use and purposes herein named.

Sec. 6. The said Board of Supervisors are hereby authorized to have said buildings erected whenever they may deem proper; and issue or cause to be issued county bonds bearing interest at the rate of ten per cent per annum until paid, said bonds to be paid in the order in which they were issued, and when said special tax is collected.

Sec. 7. The total amount of tax collected under the provisions of this Act shall not exceed in the aggregate the sum of twelve thousand dollars exclusive of the expenses of collection and disbursement.

Sec. 8. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall take effect and be in force from and after its passage.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 1, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my office.

JAMES P. T. CARTER,
Secretary of the Territory.

AN ACT

Amendatory of an Act entitled "An Act amendatory of Chapter Thirty-three Howell Code, "Of Finance and Taxation," approved December 30th, 1865.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That section one of said Act is hereby amended to read as follows:

Sec. 1. An annual ad valorem tax of fifty cents upon each one hundred dollars value of taxable property is hereby levied and directed to be collected and paid for Territorial purposes upon the assessed value of all property in this Territory, not by this Act exempt from taxation; and upon the same property the Board of Supervisors of each county is hereby authorized and empowered annually to levy and collect a tax for county expenditures not exceeding one dollar and fifty cents upon each one hundred dollars of the taxable property in such county; and upon the same property the Board of Supervisors of each county is hereby authorized and empowered annually to levy and collect, such additional or special taxes as the laws of this Territory may authorize or require them to levy and collect; Provided, however, that whenever the Board of Supervisors levy any tax they shall cause such levy to be entered on the record of their proceedings and shall direct their clerk to deliver a certified copy thereof to the Sheriff and Treasurer of the county, each of whom shall file said copy in his office, and on the first Monday in July in each year, the Board of Supervisors shall proceed to estimate, and to ascertain the amount of taxes necessary to be assessed upon the taxable property of the county for the year next ensuing not exceeding for all purposes two dollars upon each one hundred dollars of the value of the taxable property in such county. In such estimate they shall specify the amount to be raised for each particular purpose. If for any cause said Board shall not meet on the day above specified, they may meet for such purpose at any time within ten days thereafter.

Sec. 2. This Act shall take effect and be in force from and after the first day of January A. D. one thousand eight hundred and sixty-eight.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 3, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my office.

JAMES P. T. CARTER,
Secretary of the Territory.

AN ACT

To permanently locate the Capital, or Seat of Government, of the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That on and after the first day of November, one thousand eight hundred and sixty-seven, the permanent seat of government and capital of this Territory shall be and the same is hereby established and located at the town of Tucson in the county of Pima.

Sec. 2. All Acts and parts or sections of Acts hitherto passed by the Legislative Assembly of the Territory inconsistent with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall take effect and be in force from and after its passage.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 3, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my office.

JAMES P. T. CARTER,
Secretary of the Territory.

AN ACT

To permanently locate the Capital, or Seat of Government, of the Territory of Arizona.

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Sec. 2. All Acts and parts or sections of Acts hitherto passed by the Legislative Assembly of the Territory inconsistent with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall take effect and be in force from and after its passage.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 4, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my office.

JAS. P. T. CARTER,
Secretary of the Territory.

AN ACT

Amendatory of an Act entitled "An Act amendatory of Chapter Six, Howell Code," approved December 30th, 1865.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That section numbered twenty-three of said Act be so amended as to read as follows:

Sec. 23. The county Treasurer of each county in this Territory shall be allowed five per cent for all moneys received by him as such county Treasurer except moneys received from a former Treasurer.

Sec. 2. All Acts and parts of Acts so far as they conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall take effect and be in force from and after its passage.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 3, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my office.

JAMES P. T. CARTER,
Secretary of the Territory.

AN ACT

To amend Section Twenty-six of Chapter Ten Howell Code, "Of Crimes and Punishments."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That section 26, of Chapter Ten Howell Code of Crimes and Punishments be, and hereby is amended to read as follows:

Every person convicted of the crime of Manlaughter, shall be punished by imprisonment in the Territorial Penitentiary, for a term not less than three nor more than ten years.

Sec. 2. All Acts in conflict with this Act are hereby repealed.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 3, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my office.

JAMES P. T. CARTER,
Secretary of the Territory.

AN ACT

For the Relief of the County Recorder of the County of Yavapai.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the Board of Supervisors of the county of Yavapai are hereby authorized to allow the account of F. G. Christie County Recorder of said county for the sum of three hundred dollars for services rendered said county, for which no compensation was provided by law. Said sum to be paid as other demands against the county are paid.

Sec. 2. This Act shall take effect and be in force from and after its passage.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 4, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my office.

JAMES P. T. CARTER,
Secretary of the Territory.

AN ACT

Concerning County Treasurers, County Collectors, and Boards of Supervisors.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The County Collector of each county shall on the first Monday in January eighteen hundred and sixty-eight make a settlement of his accounts with the County Treasurer, and shall on that day turn over to and deposit with said Treasurer all moneys blank license and poll tax receipts, the delinquent tax roll, and all other accounts due the county, taking the Treasurer's receipt therefor.

Sec. 2. The County Treasurer of each county shall immediately after such settlement with the Collector, pay over to the Board of Supervisors of his county, all moneys blank receipts, delinquent tax rolls, and all evidences of indebtedness to the county, that may be in his possession, together with his books; and the chairman of the board shall give his receipt therefor.